

Docket No.: 0291XZ

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**OPTICAL SCANNER HAVING MULTI-FOCUS
LENS FOR MULTIPLE WORKING RANGES**

the specification of which

_____ is attached hereto.
X was filed on January 20, 1998 as
Application Serial No. 09/009,231
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

I hereby claim foreign priority under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

PRIORITY CLAIMED

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes _____	No _____
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I hereby claim the benefit under Title 35, United States Code 119(e) of any United States provisional application(s) listed below.

_____ (Application Numbers)	_____ (Filing Date)
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/405,585
(Application Serial No.)

03/17/95
(Filing Date)

Pending
(Patented, Pending, Abandoned)

(Application Serial No.)

(Filing Date)

(Patented, Pending, Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Alan Israel, Esq., Reg. No. 27,564; Daniel McGlynn, Esq., Reg. No. 26,570

Send Correspondence to: KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.
551 Fifth Avenue
New York, New York 10176-0024

Direct Telephone calls to: Alan Israel (212) 697-3750

Inventor's signature

4.6.98
Date

Mark KRICHEVER

Full name of first joint inventor

Hauppauge, New York

Residence

United States

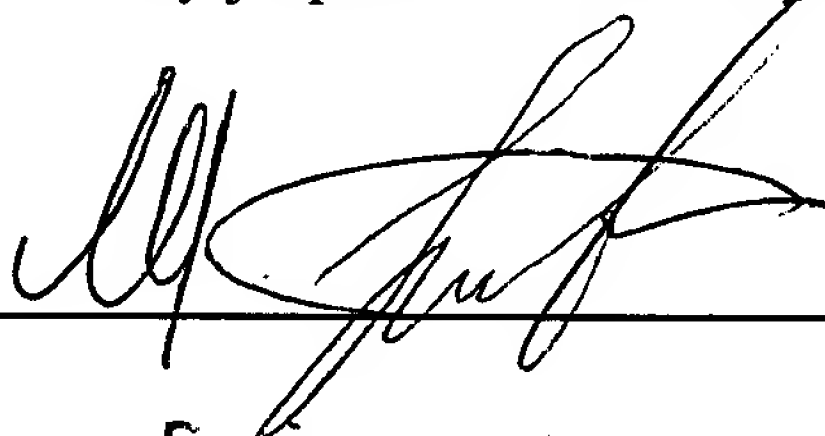
Citizenship

26 Carldon Lane, Hauppauge, New York, 11788

Post Office Address

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Inventor's signature



Date

9-10-98

Joseph CAMPANELLI

Full name of second joint inventor
Selden, New York

[Signed by Mark Krichera on
behalf of Joseph CAMPANELLI]

Residence

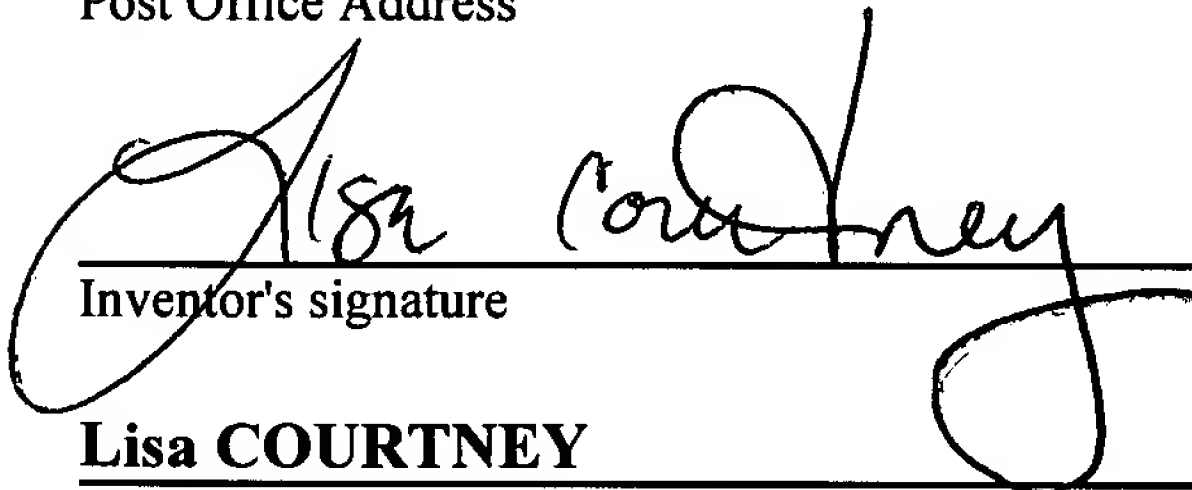
United States

Citizenship

121 Marshall Drive, Selden, New York, 11784

Post Office Address

Inventor's signature



Date

4/13/98

Lisa COURTNEY

Full name of third joint inventor

Holbrook, New York

Residence

United States

Citizenship

~~1260 Tuttle Street, Holbrook, New York, 11741~~

Post Office Address

49 Lolly LA, Centereach, NY 11720 Jc

Inventor's signature

Peter FAZEKAS

Full name of fourth joint inventor

Medford, New York

Residence

United States

Citizenship

~~23 Robinson Avenue, Medford, New York, 11763~~


Post Office Address

PT 10 MORGAN LN
BAYPORT NY 11705

Date

23 Mar 98

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Inventor's signature

3/23/98
Date

Joel KAHN

Full name of fifth joint inventor

Rockville Centre, New York

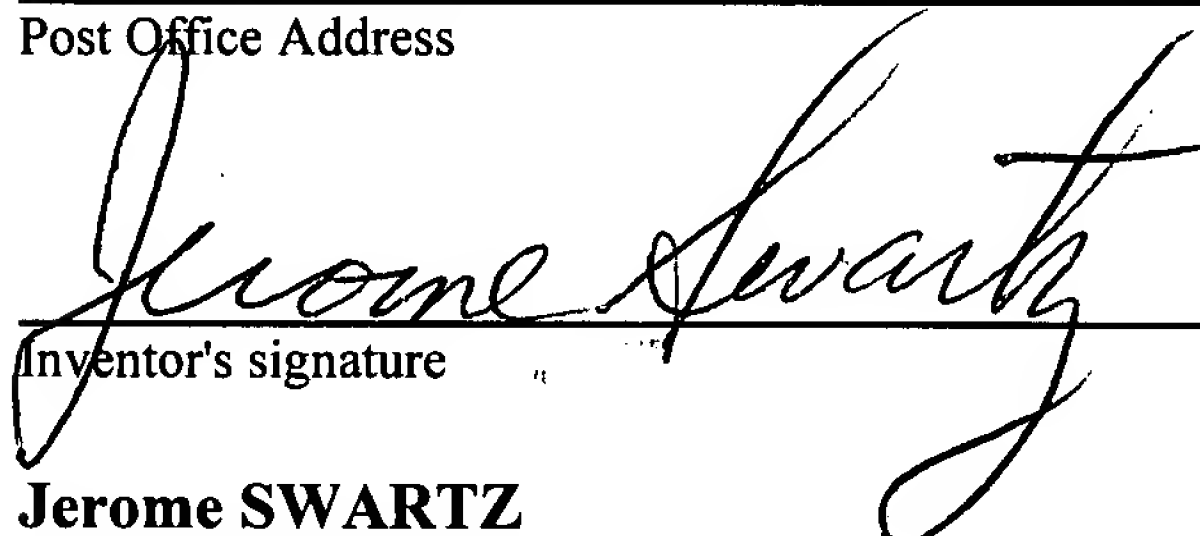
Residence

United States

Citizenship

49 Shepherd Street, Rockville Centre, New York, 11570 

Post Office Address


Inventor's signature

9/10/98
Date

Jerome SWARTZ

Full name of sixth joint inventor

Old Field, New York

Residence

United States

Citizenship

19 Crane Neck Road, Old Field, New York, 11733

Post Office Address


Inventor's signature

3/25/98
Date

Vladimir GUREVICH

Full name of seventh joint inventor

Ronkonkoma, New York

Residence

Russia

Citizenship

500 Peconic Street, Apt. 14A, Ronkonkoma, New York 11779

Post Office Address

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Inventor's signature

4/17/98
Date

Boris METLITSKY

Full name of eighth joint inventor

Stony Brook, New York

Residence

United States

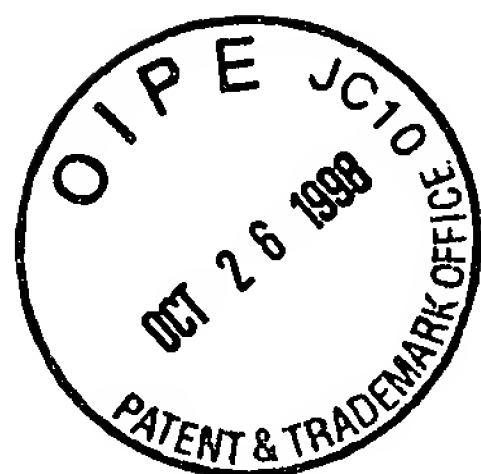
Citizenship

23 Acorn Lane, Stony Brook, New York, 11790

Post Office Address

Sector \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on: October 21, 1998
(date)


Alan Israel
Reg. No. 27,564

#13

In re: Application of : Mark KRICHEVER, et al.
Serial No. : 09/009,231 Group Art Unit: 2872
Filed : January 20, 1998 Examiner:
For : OPTICAL SCANNER HAVING MULTI-FOCUS
LENS FOR MULTIPLE WORKING RANGES

10/28/1998 ASELMAN 00000046 09009231

02 FC:122

130.00 OP

New York, New York
October 21, 1998

SUBMISSION OF DECLARATION AND PETITION UNDER RULE 47 (a)

APPLICATION BRANCH

Commissioner of Patents and Trademarks

10/28/1998 ASELMAN 00000046 09009231
Washington, D.C. 20231

03 FC:118

1510.00 OP

Sir:

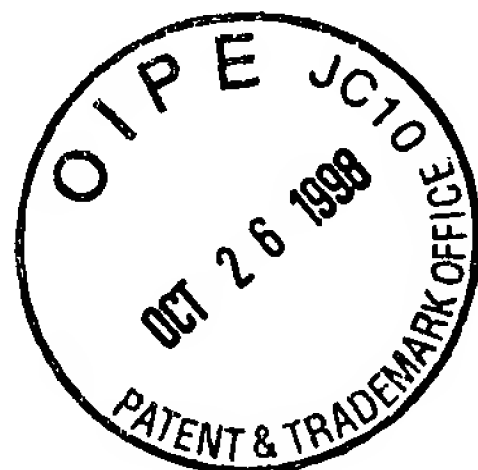
Attached hereto for filing in this application are the executed patent declaration signed by the inventors and on behalf of a missing inventor, Form PTO-1533, the late filing surcharge of \$130.00, the petition fee of \$130.00, this Petition and a declaration under Rule 47(a) signed by Katie Horn with attached exhibits 1-3.

Petition is hereby made for a four-month extension of the period to respond to the outstanding Notice to file Missing Parts to October 21, 1998. A check in the amount of \$1510.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any

overpayment, in connection with the filing of these documents, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,



KIRSCHSTEIN, OTTINGER,
ISRAEL & SCHIFFMILLER, P.C.
Attorneys for Applicant
489 Fifth Avenue
New York, New York 10017-6105
Tel.: (212) 697-3750
Fax.: (212) 949-1690

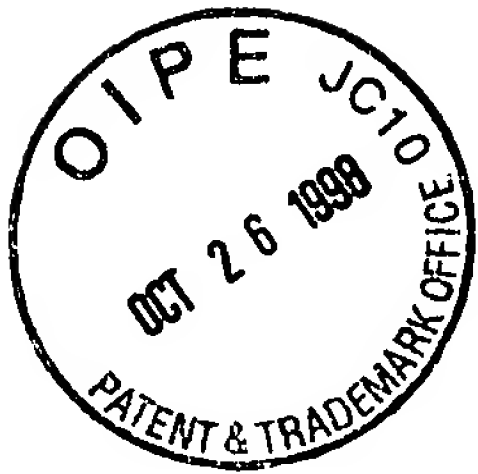
A handwritten signature in dark ink, appearing to read "Alan Israel", written over a horizontal line.

Alan Israel
Registration No. 27,564

Docket No.: 0291XZ

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

September 30, 1998

(date) *October 21, 1998*

[Signature]
Alan Israel
Reg. No. 27,564

In re: Application of : Mark KRICHEVER, et al.

Serial No. : 09/009,231 Group Art Unit: 2872

Filed : January 20, 1998 Examiner:

For : OPTICAL SCANNER HAVING MULTI-FOCUS
LENS FOR MULTIPLE WORKING RANGES

New York, New York
~~September 30~~, 1998
October 21, 1998

DECLARATION UNDER RULE 47(a)

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, **Katie Horn**, declare:

1. I am an Administrative Legal Coordinator for Symbol Technologies, Inc. ("Symbol") of Holtsville, New York, the party with proprietary interest in this application and work with Daniel R. McGlynn, a patent attorney registered under No. 26,570 with the U.S. Patent and Trademark Office. Mr. McGlynn is an attorney of record in this

case, having been appointed by all the inventors, except for one missing inventor, as explained below.

2. This case was filed on January 20, 1998 with an unexecuted Declaration and Power of Attorney. There are eight inventors: Mark KRICHEVER; Joseph CAMPANELLI; Lisa COURTNEY; Peter FAZEKAS; Joel KAHN; Jerome SWARTZ; Vladimir GUREVICH and Boris METLITSKY.

3. Mr. Krichever, the first listed inventor signed the accompanying Declaration and Power of Attorney on his own behalf, and on behalf of the second listed inventor, Mr. Campanelli, who has *refused* to execute the Declaration and Power of Attorney.

4. Mr. Campanelli is a former employee of Symbol and was required to assign all inventions made during the course and scope of his employment to Symbol.

5. Mr. Campanelli resides at 121 Marshall Drive, Selden, New York, 11784.

6. On or about March 23, 1998, I sent the application, drawings and Declaration and Power of Attorney, which was attached to the application, to Mr. Campanelli, along with a cover letter requesting him to sign, date and return the Declaration and Power of Attorney together with the application papers. A copy of the cover letter is attached and marked as *Exhibit No. 1*. These papers were sent by *UPS Next Day Air Service*. A copy of the airbill signed by me is attached and marked as *Exhibit No. 2*.

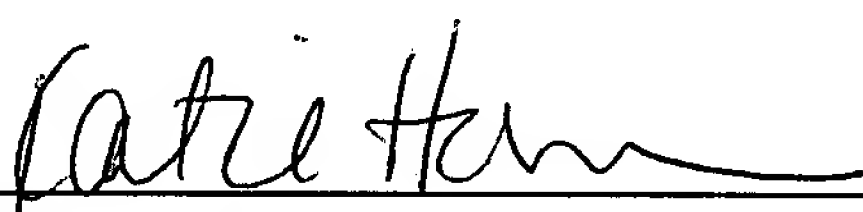
7. These papers were not returned. On May 1, 1998, I again sent a duplicate set of the papers to Mr. Campanelli. A copy of the second airbill also signed by me is attached hereto and marked as *Exhibit No. 3*.

8. I have been advised by Mr. Campanelli's wife, who is an employee of Symbol, that Mr. Campanelli *will not sign the Declaration*.

9. Mr. Campanelli's refusal to sign is causing irreparable damage to Symbol.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: September 30, 1998


Katie Horn